



U.S. Department of Justice

United States Attorney
 Southern District of New York

The Silvio J. Mollo Building
 One Saint Andrew's Plaza
 New York, New York 10007

January 11, 2024

By ECF

The Honorable Katherine Polk Failla
 United States District Judge
 Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

MEMO ENDORSED

Re: *United States v. Isaiah Smith, S2 21 CR 414 (KPF)*

Dear Judge Failla,

The Government respectfully submits this letter on behalf of the parties to request a brief adjournment of the sentencing that is scheduled for Thursday, January 16, 2024 at 3:00 PM to a date and time that is convenient for the Court during the week of Monday, February 5, 2024 or thereafter. During that week, the parties are available with the exception of Monday, February 5, 2024 itself. As the Court is aware, during the proceedings in the above-captioned case, the defendant has appeared on periodic occasions in parallel state court proceedings that resulted in his conviction this past year for Murder in the Second Degree, in violation of New York Penal Law § 125.25(1), among other charges, for which he was sentenced to an indeterminate term of 20 years imprisonment to life imprisonment. The Government and the United States Marshals Service (“USMS”) had understood that the defendant would remain incarcerated at the New York State Department of Corrections and Community Supervision’s Downstate Correctional Facility, which is a short drive by car from the courthouse; however, at the end of this past year, he was unexpectedly transferred to a different state correctional facility farther upstate from which it will require additional time to return him to the Southern District of New York. The Government and the USMS appreciate counsel’s notification of the transfer and will be sure to have the defendant present for any adjourned appearance. In the event that there are any complications in the transport of the defendant, the parties will approach the Court promptly.

Respectfully submitted,

DAMIAN WILLIAMS
 United States Attorney

By: Thomas John Wright
 Thomas John Wright
 Assistant United States Attorney
 (212) 637-2295

cc: Thomas Dunn (Counsel to Defendant Isaiah Smith) (by ECF)

Application GRANTED. Defendant's sentencing is hereby ADJOURNED to **February 8, 2024**, at **3:30 p.m.** Defendant shall file his sentencing submission on or before **January 25, 2024**, and the Government shall file its sentencing submission on or before **February 1, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket entry 327.

Dated: January 11, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE